

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GREEN OAK HEDGE FUND, LTD., dba
GREEN OAK TRADING COMPANY,

Plaintiff,

vs.

RICK HOPKINSON, E-CENTURION,
ELITE TRADING INTERNATIONAL,
MELISSA GILLES, JOHN GILLES, and
CENTURION HOLDING INVESTMENTS,
INC.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S
MOTION FOR ALTERNATIVE
SERVICE

Case No. 2:06-CV-636 TS

This matter is before the Court on Plaintiff's Motion for Alternative Service. By this Motion, Plaintiff sought to serve Defendants Pacific Trading International, LLC and Centurion Holding Investments by publication. Plaintiff submitted a proposed Order with its Motion.¹ Plaintiff's counsel was notified that the proposed order was deficient in that it did not comply with Utah R. Civ. P. 4(d)(4)(B), as made applicable by Fed. R. Civ. P.

¹Docket No. 55-3.

4(e)(1). Specifically, the proposed order did not specify “the event or events as of which service would be deemed completed.”² Counsel was to submit a new proposed order. In the meantime, Plaintiff voluntarily dismissed Pacific Trading,³ one of the two Defendants to be served by publication. No new proposed order has been submitted. It is not clear if Plaintiff wishes to proceed with service by publication against the non-dismissed Defendant, Centurion Holding. Therefore, the Court will deny the Motion without prejudice to its refiling if Plaintiff still seeks service by publication against Centurion Holding. It is therefore

ORDERED that Plaintiff’s Motion for Service by Publication (Docket No. 55) is DENIED without prejudice.

DATED January 14, 2008.

BY THE COURT:



TED STEWART

²Utah R. Civ. P. 4(d)(4)(B).

³Docket No. 66.